

DRAFT
For Discussion Purposes Only

BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:

Serial #: 09/944,994
For: Method and Apparatus for Vending a Containerized Liquid Product Utilizing an
Automatic Self-Service Refill System
Filed: August 30, 2001
Inventor: Laurie J. Brown
GAU: 2876
Examiner: Diane I. Lee
Docket #: BrownLaurie-010614

AMENDMENT

Please amend the claims as follows:

1 (currently amended): A method of vending a fluid product comprising the steps of:

labeling ~~an~~ an original container with machine-readable indicia indicative of said fluid product
and an original sales price of said original container filled with said fluid product;

distributing ~~an~~ said original container for said fluid product;

dispensing said fluid product into said original container;

refilling said original container with said fluid product, while preserving said
machine-readable indicia to be indicative of said fluid product and said original sales price of said
original container filled with said fluid product; and

producing a promotional coupon responsive to said ~~dispensing of said fluid product into said~~
~~container~~ refilling step.

2 (original). The method of claim 1 comprising the additional steps of:

selectively vending a plurality of containerized fluid products respectively into a plurality of
original refillable containers from a single dispensing station, each of said plurality of fluid products
having been originally vended in an original refillable container having machine-readable indicia
thereon indicative of the fluid product in said original refillable container and the original sales price
thereof prior to the first refilling thereof; and

dispensing a discount coupon for each refilling of ones of said plurality of original refillable
containers with the matching fluid product which may be presented together with the matching

refilled container.

3 (original). The method of claim 1 further characterized by utilizing refilling apparatus comprising, in part, a vertically oriented fluid filling pipe having an outlet, being positioned over a filling opening in said original container, and connected to a supply of said fluid product, said filling pipe being vertically movable with respect to said original container and being sized to freely enter said filling opening, said filling pipe being inserted into said container through said opening until said outlet is adjacent the bottom of said container and subsequently filling said container with a preselected volume of said fluid product.

4 (original). The method of claim 1 comprising the additional step of providing, at the time of dispensing said discount coupon, at least one additional coupon.

5 (original). The method of claim 1 comprising the additional step of providing, at the time of said dispensing of said discount coupon, a graphic display of information.

6 (original). The method of claim 1 further characterized by said fluid product refilled into said container being blended from fluids stored in at least two containers.

7 (original). The method of claim 3 wherein said filling pipe is connected to at least two supplies of fluid which are blended in said filling pipe to form said fluid product.

8 (original). The method of claim 6 comprising the further step of polling a customer about

whether to dispense optional ingredients.

9 (original). The method of claim 8 wherein said optional ingredients are selected from the group of aromatic additives, flavorings, nutritional supplements and colorants.

10 (original). The method of claim 9 wherein said optional ingredients comprise a plurality of available scents.

Claims 11 - 13 (canceled)

14 (currently amended): A method of distributing merchandise which benefits merchants through wider product distribution and beneficial association with another organization and which additionally benefits said organization, comprising the steps of:

generating a unique machine-readable code for said organization;

5 labeling a product container for said merchandise with said unique machine-readable code;

distributing said labeled product container to a member of said organization, wherein said step of distributing said labeled product container comprises the further steps of providing said labeled product container to a contact within said organization, and disbursing said labeled product container from said contact to said organization members;

10 reading said machine-readable code;

filling said labeled product container; and

compensating said organization responsive to said reading step.

15 (canceled)

16 (original). The method of claim 14 wherein said step of compensating said organization comprises crediting said organization with a residual fee.

17 (original). The method of claim 16 wherein said organization is a non-profit organization.

18 (original). The method of claim 14 wherein said step of labeling comprises bar-coding said product container with a unique merchandise identification code and said unique machine-readable code.

19 (original). The method of claim 14 comprising the additional step of generating a unique merchandise identification code identifying said merchandise within said product container.

20 (original). The method of claim 14 wherein said filling step is responsive to said reading step.

REMARKS

Claims 1 and 3 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bradbury, et al., U.S. Patent No. 4,929,818 (Bradbury), in view of Cahill U.S. Patent No. 4,285,426 (Cahill). Claims 4 and 5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bradbury as modified by Cahill in view of Matthias, U.S. Patent No. 6,151,587 (Matthias). Claims 2 and 6-10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bradbury as modified by Cahill in view of Stefan (JP 06-277,231) (Stefan). Claims 14 and 16-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bradbury in view of Hovakimian, U.S. Patent No. 5,466,919 (Hovakimian). Claim 15 is objected to as being dependent upon a rejected base claim, but is indicated as allowable if rewritten in independent form. The Examiner's attention to the present application is greatly appreciated, and has facilitated prosecution. The Examiner's reconsideration of the outstanding rejections in view of the present amendment and remarks is respectfully requested.

The amended claim 1 now specifically recites that the original container carries the original indicia, which is preserved in the refilling step. This feature is not present or taught in the references, and is now specifically recited herein. In addition, the recitation to producing the promotional coupon has been directed properly to the refilling step.

Claim 14 has been amended to include all of the limitations of original claim 15, which depended from claim 14. In view of the indicated novelty of claim 15, reconsideration of the rejection is respectfully requested.

These amendments are believed to place the present application in condition for allowance, in view of the above remarks, and no new matter is introduced. The Examiner is therefore respectfully requested to reconsider the rejections and indicate the patentability. If there remain open issues in this application, the Examiner is respectfully requested to call the undersigned at 320-363-7296 to further discuss the advancement of this application. Please charge all fees associated with this correspondence to deposit account 17-0155.

Sincerely,

Albert W. Watkins
reg. 31,676